

China's IP
in foreign eyes

China has launched a pilot program to replace farmers with robots, putting millions of people at risk of losing their jobs. The seven-year pilot, which is running in Jiangsu Province, features unmanned tractors, pesticide applicators, and rice transplanters. These technologies are not yet widely used in China. Millions of unproductive, polluting farms in China could be modernized through the program. (China is moving ahead with a huge robot farming pilot, by Business Insider)

在中国江苏,设施农业“机器人换人”工程正在推进。该项目为期7年,其特点是采用无人驾驶拖拉机、农药喷洒器和插秧机等尚未在中国广泛应用的智能设备代替人力。据悉,中国数以万计的农场可以通过该项目实现现代化。(中国推进农业机器人项目,商业内幕)

Comment

Innovation and intelligence agricultural equipment are of great importance in the course of modernization of agriculture. At the same time, we need to accelerate the transformation of agricultural scientific and technological achievements into real productive forces.

点评

加快推进农业现代化需要创新驱动,积极研发农业智能化设备是其中的重要任务。与此同时,应加快把农业科技创新成果转化为现实生产力,尽快让“创新之犁”为农所用。



It's been less than a year since Beijing cut back red tape on drug approvals and already Chinese patients can expect to get some breakthrough medicines before Americans. After decades of being starved of innovative treatments for serious conditions like cancer, diabetes and kidney disease, China's 1.4 billion people are becoming global pharma's prime target. They've got more medical insurance than ever and millions are paying out of their own pockets for western treatments that aren't covered. (To Get the Latest Drugs, Head to China, by Today)

尽管自中国政府进一步加快药品审评审批速度以来尚不到一年,但中国患者已有望比美国人更早获得某些突破性的药品。几十年来,中国人在治疗癌症、糖尿病和肾病等重病方面缺乏创新,但如今14亿中国人正成为全球药企的首要目标。(想要最新的药,到中国去,今日报)

Comment

Cutting back red tape on drug approvals is a measure of China to improve people's livelihood. As self-developed drug is highly cost, difficult and has long cycle, only strict intellectual property protection can effectively guarantee the initiative of enterprises focusing on the research and development of original drugs.

点评

加快药品审评审批速度是中国政府改善民生的举措。创新药研发成本高、难度大、周期长,只有严格的知识产权保护才能有效保障专注于研发创新药品的企业的积极性。

(李倩)

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SIPO Suspends, Adjusts Some Patent Fees

中国国家知识产权局进一步落实利企便民举措

In order to further reduce the public burden and promote patent creation and protection, the State Intellectual Property Office of China (SIPO) has suspended and adjusted some patent fees since August 1. According to reports, this is one of the important concrete measures taken by the IP authority to implement the requirements for deepening the reform of "delegating power, improving regulation and optimizing services", to streamline the power and delegate more powers to lower-level governments and organizations, and to implement the relevant measures for benefiting the people.

It is said that the suspension and adjustment mainly take place in three aspects: Firstly, patent registration fee (national phase), publication printing fee, and fee for change of bibliographical data (change of patent firm or patent attorney), transmission fee included in the Patent Cooperation Treaty (PCT) application fee (international phase). Any of the above fees whose expiration date of payment is before July 31, 2018 (inclusive) shall be paid according to the outgoing fee schedule. Secondly, for patent applicants or patent holders who meet the relevant conditions of the "Measures for the Reduction of Patent Fees" (Ministry of Finance [2016] No. 78), the period for the reduction of the annual patent fees



shall be extended to ten years if the patent has been existing for six years from the date of grant. For patents that have been granted for reduction before July 31, 2018 (inclusive), the following measures shall be taken: for patents within six years from the date of grant, the annual fee reduction period shall be extended to the 10th year; for patents which have been granted for seven to nine years from the date of grant, the annual fee will continue to be reduced until ten years from the next year; for patents which have been granted for ten years and above from the date of grant, no annual fee will be reduced. Thirdly, for invention patent applications already in substantive examination stage, if the applications were withdrawn before the expiration of the reply period of the first office ac-

tion (excluding those who have responded to the opinions), 50% of substantive examination fees for patent application may be refunded.

It is reported that according to the above adjustments, SIPO has revised the request forms on fee reduction and opinion statement (fees). The new forms have been officially put into use since August 1st while the use of the old version is immediately ceased.

According to a principal of SIPO, to streamline administration, delegate more powers to lower-level governments and organizations, improve regulation and optimize services are strategic measures to promote the profound transformation of government functions and greatly stimulate the vitality of the market, and play a key role in promoting innovation and business

startup and stabilizing growth and ensuring employment. Intellectual property involves a wide range of areas and is closely related to enterprises and the masses which is an important aspect of the reform of "delegating power, improving regulation and optimizing services". SIPO will continue to streamline the administration and delegate more powers to lower-level government and society, further simplify the document requirements for intellectual property rights, and implement various measures to facilitate the suspension or reduction of some patents and trademark fees, allowing enterprises and the general public to have more sense of gain.

(by Cui Jingsi)

本报讯 (记者崔静思北京报道)为进一步减轻社会负担,促进专利创造保护,中国国家知识产权局于今年8月1日起调整和减少部分专利收费。据介绍,这是中国国家知识产权局贯彻落实“放管服”改革部署要求,加大简政放权力度,落实好相关利企便民举措的重要具体措施之一。据了解,此次调整和减少部分专利收费主要涉及三方面:一是停止专利收费(国内部分)中的专利登记费、公告印刷费、著录事项变更费(专利代理机构、代理人委托关系的变更)、《专利合作条约》(PCT)专利申请收费(国际阶段部分)中的送交费。而对于缴费期限届满日在2018年7月31

日(含)前的上述费用,应按原规定缴纳。二是对符合《专利收费减缴办法》(财税[2016]78号)有关条件的专利申请人或者专利权人,专利年费的减缴期限由自授权当年起6年内,延长至10年内。对于2018年7月31日(含)前已准予减缴的专利,作如下处理:处于授权当年起6年内的,年费减缴期限延长至第10年;处于授权当年起7-9年的,自下一年度起继续减缴年费直至10年;处于授权当年起10年及10年以上的,不再减缴年费。三是对进入实质审查阶段的发明专利申请,在第一次审查意见通知书答复期限届满前(已提交答复意见的除外)主动申请撤回的,可以请求退还50%的专利申请实质审查费。

据悉,根据上述调整,中国国家知识产权局目前已对费用减缴请求书、意见陈述书(关于费用)等请求类表格作了修改,并于8月1日起正式启用,旧版表格同时停用。

中国国家知识产权局有关负责人表示,简政放权、放管结合、优化服务改革是推动政府职能深刻转变、极大激发市场活力的战略举措,对促进创业创新、稳增长保就业发挥了关键支撑作用。知识产权涉及领域众多,与企业和社会密切相关,是“放管服”改革的重要方面。中国国家知识产权局将继续加大简政放权力度,进一步简化知识产权申请材料,落实好停征或调减部分专利、商标收费等各项利企便民举措,让企业和群众有更多获得感。



Sonid Left Banner and Sonid Right Banner of Inner Mongolia Autonomous Region are located in the west of the Xilingol Grassland, where

Sonid Mutton

苏尼特羊肉

is the hometown of Sonid sheep. The unique climate and geographical environment are conducive to the growth of pasture, which provides a superior environment for unique quality of the Sonid mutton.

The Sonid mutton has bright color, dense and elastic muscle fibers, fresh and juicy taste, rich fragrance and a variety of amino acids and fatty acids that a human body needs. The protein

content is more than 19.59%.

With the implementation of the protection of geographical indications, the reputation of Sonid mutton is increasing, and the demand for the market is expanding. Industries related to Sonid mutton has become the dominant industry of Sonid Left Banner and Sonid Right Banner. The protection of geographical indications has played an active role in increasing the income of

farmers and herdsmen.

(Courtesy of the Protection and Coordination Department of SIPO)

内蒙古自治区苏尼特左旗和苏尼特右旗地处锡林郭勒草原西部,两旗的主要畜种是苏尼特羊。独特的气候和地理环境,有利于牧草的生长,为苏尼特羊肉独特品质的形成提供了特定条件。

苏尼特羊肉色泽鲜艳,肌纤维致密有弹性,鲜嫩多汁,香味浓郁,富含



人体所需各种氨基酸和脂肪酸,蛋白质含量高达19.59%以上。

实施地理标志产品保护后,苏尼特羊肉的美誉度不断提高,市场需求量不断扩大,相关产业已成为苏尼特左旗和苏尼特右旗的特色优势产业,对促进当地农牧民增收发挥了积极作用。

中国国家知识产权局保护协调司供稿

Adidas Partially Blocks Use of Its Clover Trademark's Chinese Namesake

“三叶草”商标案终有果

Around a trademark consisting of "clover" Chinese characters, pinyin and figure, Germany-based Adidas and Fujian Putian Tianya Trading Company (Tianya) were entangled in a battle in China. The Beijing High People's Court recently made a final judgment and rejected Tianya's appeal, holding that the evidence was not enough to prove the No. 6363717 trademark "Clover Sanyecao and its figure" (the trademark in dispute) was used on children's wear, gymnastics suits, clothing, and infant clothing, and the registration on the remaining goods.

The trademark in dispute was originally filed by Shenzhen Silicon Valley Yingke Technology Company (Silicon Valley Yingke Company) in November 2007, and was approved for registration in March 2012, certified to be used on Class 25 goods including clothing, caps, etc.

In 2015, Adidas filed a revocation application with the Trademark Office (TMO) against the trademark in dispute, claiming that the trademark in dispute was in no use for three consecutive years from December 14, 2012 to December 13, 2015 (hereinafter referred to as the designated period) and its registration should be revoked.

According to evidence, Silicon Val-

ley Yingke Company signed a trademark licensing contract with Shenzhen Yingshang Fashion Company (hereinafter referred to as Yingshang Company) in 2012, permitting the latter to use the trademark in dispute on Class 25 goods. From February 19, 2015 to April 17, 2015, Yingshang Company signed a purchasing contract on "Clover" brand garments with 6 companies, agreeing that the specification of the product name was "Clover san ye cao brand clothing".

The TMO made a decision to uphold the registration of the trademark in dispute in July, 2016. Adidas was disgruntled and applied for re-examination with the TRAB.

Upon approval of the TMO, the trademark in dispute was transferred to Tianya Company in December, 2016.

The TRAB held in March 2017 that the evidence furnished by Tianya and Silicon Valley Yingke Company could prove that the trademark was in real, legal and effective use in children's wear, gymnastics suits, clothing, and infant clothing during the specified period. The use of the trademark on clothing cannot be deemed as the use on socks, gloves (clothing), ties, belts, scarves and therefore the registration on these goods should be revoked. Ac-

cordingly, the TRAB decided to uphold the registration of the trademarks on children's wear, gymnastics suits, clothing, and infant clothing, and the registration on the remaining goods was revoked.

Adidas did not buy the TRAB decision and brought case to the Beijing Intellectual Property Court. After hearing, the Beijing IP Court made a first-instance judgment, revoking the review decision made by the TRAB, and ordered the TRAB to make a new decision. Tianya Company refused to call it a day and went on appeal to the Beijing High People Court.

After hearing, Beijing High held that although Silicon Valley Yingke Company submitted the "Clover" brand clothing purchasing contract and invoice signed by Yingshang Company and six enterprises, the above-mentioned evidences were named "Clover san ye cao brand clothing" which could not prove the use of the trademark in dispute. In this connection, the court finally dismissed Tianya's appeal and upheld the first-instance judgment. (by Wang Guohao)

本报记者 王国浩

围绕一件由“三叶草”汉字、拼音及图形组成的商标,德国阿迪达斯有

限公司(下称阿迪达斯公司)与福建省莆田市天涯贸易有限公司(下称天涯公司)在华展开了一场纷争。日前,北京市高级人民法院作出终审判决,认定在案证据不足以证明第6363717号“三叶草 Sanyecao 及三叶草图形”商标(下称诉争商标)在童装、体操服、服装、婴儿全套衣商品上进行了使用,据此驳回了天涯公司上诉。

据了解,诉争商标由深圳市硅谷盈科科技有限公司(下称硅谷盈科公司)于2007年11月提出注册申请,2012年3月被核准注册,核定使用在服装、帽等第25类商品上。

阿迪达斯公司于2015年针对诉争商标向商标局提出撤销申请,主张诉争商标于2012年12月14日至2015年12月13日期间(下称指定期间)连续3年停止使用,应予以撤销注册。

根据证据显示,硅谷盈科公司与深圳市影尚时装有限公司(下称影尚公司)于2012年签订商标授权使用合同,同意影尚公司在第25类商品上使用诉争商标。2015年2月19日至2015年4月17日期间,影尚公司与6家企业签订“三叶草”品牌服装订购合同,约定品名规格为“三叶草 san ye cao 品牌服饰”。

2016年7月,商标局作出维持诉争商标注册的决定。阿迪达斯公司不服,向商标评审委员会(下称商评委)申请复审。

2016年12月,经商标局核准,诉争商标转让予天涯公司。

商评委于2017年3月作出复审决定认为,天涯公司及硅谷盈科公司提交的证据能够证明诉争商标于指定期间在童装、体操服、服装、婴儿全套衣商品上进行了真实、合法、有效的商业使用。诉争商标在服装上的使用不能视为在袜、手套(服装)、领带、腰带、围巾商品上的使用,在该部分上的注册应当撤销。据此,商评委决定对诉争商标在童装、体操服、服装、婴儿全套衣商品上的注册予以维持,在其余商品上的注册予以撤销。

阿迪达斯公司不服商评委所作决定,随后向北京知识产权法院提起行政诉讼。北京知识产权法院经审理作出一审判决,撤销商评委所作复审决定,并判令商评委重新作出决定。天涯公司不服,随后向北京市高级人民法院提起上诉。

经审理,北京市高级人民法院认为,虽然硅谷盈科公司提交了影尚公司与6家企业签订的“三叶草”品牌服装订购合同及发票,但上述证据的品名规格均为“三叶草 san ye cao 品牌服饰”,无法证明诉争商标的使用情况。据此,法院终审驳回天涯公司上诉,维持一审判决。

